

	GRIEVANCE PROCEDURES	Operations Order 2.3.00
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1. TYPES OF GRIEVANCES

(A) Memorandum of Understanding Agreement Grievance	• A Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) grievance is a written allegation by a unit employee claiming violation/s of the specific express terms of the MOU/MOA for which there is no Civil Service or other specific method of review provided by State or City ordinances. • The grievance must accomplish the following: * State the facts upon which it is based * Specify the MOU/MOA provision that was violated * State the remedy or adjustment sought
(B) Administrative Regulation (AR) 2.61 Grievance	• Under AR 2.61, a grievance is a written allegation by an employee concerning the interpretation or application of rules and regulations governing personnel practices, and departmental work, rules, working conditions, or alleged improper treatment of an employee, in which the complaint has not been resolved satisfactorily in an informal manner between the employee and the immediate supervisor. • A grievance must: * Set forth a clear indication of unfairness resulting in harm or damage to the aggrieved employee. * Arise from an act or an omission by management related directly to working conditions or to the employment relationship. * Concern a matter within the control of the Police Chief. * State the action requested; action must be within the authority of the Police Chief to grant in whole or in part. • AR 2.61 does not apply to allegations claiming violation of the specific express terms of a negotiated MOU/MOA. • Should management and the official representative recognized by an MOU/MOA, mutually agree a particular complaint is not grievable under its negotiated procedure, or if the affected employee is not covered by an MOU/MOA, the employee may apply for relief under the provisions of this AR.

2. RESPONSIBILITIES

A. Employees

- (1) Employees have the responsibility to discuss their complaints with their immediate supervisor before initiating a written grievance.
 - The immediate supervisor will discuss an employee's complaint with the employee at a mutually satisfactory time.
- (2) Employees have the responsibility to seek resolution of a complaint through the chain of command or other established procedures.

B. Supervisors - Department supervisors have the responsibility to do the following:

- (1) Inform the employee if the complaint is properly within the scope of the grievance procedure and, if not, to advise the employee of the applicable procedure to resolve the problem.

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2. B. (2) Inform the employee of any limitation of the Department's authority to fully resolve the grievance.
- (3) Supply the employee with the necessary information to process the grievance properly.
- (4) Meet with the employee in person at the formal steps of the appeal.
- (5) Acknowledge receipt of written grievances by indicating the date received and the supervisor's initials under "management response" on the Employee Grievance & Response Form 14-6D.
- (6) Analyze the facts or allegations prompting the grievance.
- (7) Submit responses, in writing, to the grievant affirming or denying the allegations and identifying the remedy or adjustments, if any, to be made.
- C. Fiscal Management Bureau
 - (1) Questions concerning the administration of the grievance procedure should be directed to Human Resources (HR) officer of the Fiscal Management Bureau (FMB).
 - (2) The (HR) officer will complete an analysis of grievances filed each year.

3. **FILING GRIEVANCES**

A. Procedures

(1) MOU/MOA Grievances	Employees should consult their respective MOU/MOAs for the grievance procedures that apply to them.
(2) <u>AR 2.61/</u> Grievances	<u>PLEA Members</u> - Members will follow the procedures and time limits outlined in their MOU for filing AR grievances. - The final step in an AR grievance filed by a member of PLEA is the Grievance Committee or an arbitrator. <u>All Other Employees</u> - All other employees filing <u>AR 2.61</u> grievances will comply with the provisions of the AR. - The steps for an <u>AR 2.61</u> grievance: * Employee's immediate supervisor * Management [commander/administrator (or higher when applicable)] (In the case of a Lieutenant filing a grievance only one response is needed by the commander) * Police Chief * Grievance Committee

B. Time Limits

- (1) Failure of City management representatives to comply with time limits specified in any MOU/MOA or AR 2.61 grievances shall entitle the employee to appeal to the next level of review.
- (2) Failure of the employee to comply with said time limits shall constitute abandonment of the grievance.

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3. B. (3) The parties involved may extend time limits in advance by mutual written agreement.

C. Grievance Form

(1) General Guidelines

- (a) The Employee Grievance & Response Form 14-6D will be used for both MOU/MOA and AR 2.61 grievances.
- (b) The appeal and disposition will be on the same form.
- (c) A separate form will be completed for each step of the grievance.

(2) Procedures

- (a) The grievant will remove the goldenrod copy of the completed form and give the remaining copies to their supervisor.
- (b) The supervisor will respond on the white copy and forward the finalized canary and pink copies to the FMB.
- (c) The supervisor will return the white copy to the grievant.
- (d) The FMB will forward the appropriate copies to the Labor Relations Division.

D. Maintenance of Grievance Files

- (1) The grievances will be filed and maintained in the FMB, Personnel Section.
- (2) FMB will be the **only** location within the Department in which the grievance will be filed. A copy of the grievance **will not** be placed in the employee's personnel file or work unit division file.
- (3) The Human Resources officer is responsible for the security of grievance files.
- (4) The grievance will be retained for five years and will then be destroyed.
- (5) An annual analysis of grievances will be conducted to identify trends or other issues; this report is required by July 1, for the previous fiscal year.

4. **PAID TIME**

- A. The Department is not required to count any time spent outside the employee's work shift in pursuit of benefits provided in this order as time worked.
- B. The Department shall count any time spent within the employee's regular work shift in pursuit of benefits provided in this order as time worked.

Last Organizational Review: